

**Draft Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
June 11, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on June 11, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

Introduction

Attendees were welcomed to the Plenary Group meeting. The Plenary Group Meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes are included as Attachment 3.

Action Items – May 1, 2001 Plenary Group Meeting

A summary of the May 1, 2001 Plenary Group is posted on the relicensing web site. The Facilitator reviewed the status of action items from the May 1, 2001 Plenary Group meeting.

Carryover Action Items from May 1, 2001 Meeting

Action Item #P28: Reassess the effectiveness of Plenary Group meeting newspaper advertisements.
Status: The Work Groups are assessing the effectiveness of notification efforts. The Cultural Resources Work Group has requested that their meetings continue to be advertised in local newspapers. The Recreation and Socioeconomics Work Group is revising their mailing list, based on meeting attendance.

Action Item #P28: Arrange a facilities tour for Plenary Group members.
Status: The Plenary Group agreed to meet for a facilities tour on July 17, beginning at 10 am. The group suggested stops at the Diversion Pool, a boat-in campsite, one or two of the interim projects and the fish hatchery be considered as part of the tour. DWR staff will develop an itinerary for the tour, including as many of the suggested stops as possible. Attendees were encouraged to sign up for the tour before the end of the meeting.

Action Item #P29: Land Use, Land Management and Aesthetics Work Group will consider Work Group representation policy at their next meeting.

Status: DWR staff met with Craig Jones of the State Water Contractors and described the procedures and approach of the Work Group. Craig confirmed his support for the direction and progress that the group was making and rescinded his request.

Action Item #P31: DPR presentation regarding their participation and responsibilities in the relicensing process.

Status: A presentation regarding DPR and the relicensing process is included in this meeting.

Action Item #P33: Environmental Work Group to consider interim environmental issues and potential for establishing a task force at their next meeting.

Status: A report on interim environmental issues is included in this agenda.

Action Item #P35: Evaluate time-sensitive studies for early implementation for each Work Group. Potentially form Task Forces.

Status: The Work Groups are currently evaluating potential studies that might be implemented prior to the development of formal study plans.

Action Item #P36: Provide Action Item as overhead at the Plenary Group meeting.

Status: Completed.

Action Item #P37:	Post Task Force meetings on the relicensing web site.
Status:	Completed.
Action Item #P38:	Clarify FERC's role in relicensing.
Status:	<p>Jim Fargo of the Federal Energy Regulatory Commission reviewed the history of DWR's choice to use the Alternative Licensing Procedure (ALP) and FERC's role in the collaborative process. FERC provides oversight and comment in the ALP, making sure that the collaborative process is inclusive and moving forward. He added that FERC also brings significant experience and technical resources to the relicensing process. Jim mentioned that he provides feedback to process participants including the public, DWR, agencies and NGOs, often providing examples on things that have worked in other ALPs. FERC helps coordinate activities between DWR and the collaborative process.</p> <p>FERC's oversight responsibilities also include determining if the ALP is functioning as intended by the applicant since no two ALP processes are exactly the same. Jim added that FERC has a responsibility to ensure that the collaborative process is equitable for participants, and if necessary suggest adaptive management strategies that may improve communication and cooperation among participants. FERC also has responsibilities to enforce License Articles developed during the ALP. FERC often suggests that participants develop local oversight groups charged with monitoring license compliance after the license is issued. Jim stressed that FERC prefers to have compliance issues dealt with locally.</p> <ul style="list-style-type: none"> ♦ One participant asked if current water allocations from the project would be subject to review and revision during the relicensing process. DWR responded that water rights on the Feather River predate the project and the license, and are therefore not part of this process. ♦ Roger Masuda of Butte County asked if FERC has a specific role in resolving disputes prior to the license being submitted. Jim responded that the Process Protocols contain guidelines for conflict resolution. FERC prefers conflicts to be resolved by the collaborative, however FERC can provide dispute resolution assistance if necessary. Since FERC is a participant in the collaborative it can help parties avoid conflict by providing technical assistance (e.g. assistance with crafting settlement agreements) before problems arise. At any time during the process a participant can file and become an intervener and request relief from FERC outside of the collaborative. Interveners are typically addressed after the license application is filed.
Action Item #P40:	Presentation of interim projects to the Plenary Group.
Status:	An update on the Interim Projects Task Force is included in this meeting.
Action Item #P41:	Review Plenary Group meeting schedule – correlate with Work Group meetings to facilitate FERC participation.
Status:	A revised draft schedule is included in this meeting.
Action Item #P42:	Provide a flow chart that depicts the relationship of Work Groups, Task Forces and the Plenary Group.
Status:	<p>The Facilitator provided a graphic that depicts the relationship of Work Groups, Task Forces and the Plenary Group. She described Task Forces currently engaged by each Work Group, adding that two of the Task Forces (the Process Protocol Task Force and the Terms Definition Task Force) have finished their work and discontinued. She added that all meetings are posted on the relicensing web site. The graphic describing the relationship of Work Groups, Task Forces and the Plenary Group is appended to this summary as Attachment 4.</p>

Work Group Updates

Recreation and Socioeconomics Work Group

Steve Nachtman of the consulting team reviewed both the May 24, 2001 Recreation and Socioeconomics Work Group and the progress of the Interim Projects Task Force. The Recreation and Socioeconomics Work Group meeting summary is available on the relicensing web site. The Recreation and Socioeconomics Work Group continues to develop Issue Sheets toward the goal of Study Plan development and will meet again on June 28, 2001. Steve mentioned that after a presentation and report of their efforts from the Interim Projects Task Force, the Recreation and

Socioeconomics Work Group directed the Interim Task Force to continue their evaluation of projects and gather additional information as needed. The Recreation and Socioeconomics Work Group is currently reviewing the written report and prioritization of projects provided by the Interim Task Force and will provide comments and additional guidance for the Task Force at its next Work Group meeting. The Task Force is considering re-evaluating the prioritization of the remaining interim projects based on comments provided by Work Group members. In the meantime, a sub-group of the Interim Projects Task Force is working on developing a presentation of the River Bend Project (currently prioritized by the Interim Projects Task Force as number one) for the July 17, 2001 Plenary Group Meeting.

Land Use, Land Management and Aesthetics Work Group

Steve Nachtman reviewed the May 15, 2001 meeting of the Land Use, Land Management and Aesthetics Work Group; the summary is available on the relicensing web site.

Steve reported that the Land Use, Land Management and Aesthetics Work Group approved revised Issues Statements, and forwarded them to the Plenary Group for inclusion in Scoping Document 1. During discussion of the Issue Statements, the Work Group determined that a definition of "project lands" should be developed to accompany the Land Use, Land Management and Aesthetics Issue Statements in Scoping Document 1. The group expressed a need for clarity of the term, "project lands", used in several of their Issue Statements. To accomplish this, the Land Use, Land Management and Aesthetics Work Group identified a task force and delegated the task of developing a definition for "project lands" as used in the Issue Statements and provided the definition to the Plenary Group for inclusion in the Land Use, Land Management and Aesthetics section of Scoping Document I. The next meeting of the Land Use, Land Management and Aesthetics Work Group is June 12, 2001.

Environmental Work Group

Steve Ford reviewed the May 23, 2001 Environmental Work Group meeting. A summary of this meeting is available on the relicensing web site. The Work Group agreed to divide up into resource-specific task forces (Water Quality, Fisheries, Terrestrial, and Geology/Geomorphology) and use the time scheduled for the June Environmental Work Group meeting as focused Task Force meetings to review and revise Issue Sheets. A second day was added to provide enough time to thoroughly assess each issue area. The schedule is as follows: June 27: 9:30 a.m. – 12:00 p.m. Water Quality; 1:00 p.m. - 4:00 p.m. Geology/Geomorphology; June 28: 9:30 a.m. – 12:00 p.m. Terrestrial; and 1:00 p.m. - 4:00 p.m. Fisheries. Steve added that the Environmental Work Group discussed several studies that need to be initiated prior to the development of study plans. The Environmental Work Group will be discussing these studies at their next meeting, scheduled for July 25, 2001.

- ♦ The Plenary Group discussed task forces and their role in developing the Issue Sheets. Roger Masuda expressed concern that the Environmental Task Forces could control the content of the Issue Sheets and therefore the direction of Study Plans. Steve responded that the Environmental Work Group would ultimately decide the content of the Study Plans, and therefore Task Force actions were being checked.

Engineering and Operations Work Group

Lori Brown of DWR provided an update from the May 25, 2001 meeting of the Engineering and Operations Work Group; a summary is available on the relicensing web site. Lori reported that the Engineering and Operations Work Group agreed to forward revised Issue Statements as recommendations to the Plenary Group for inclusion in Scoping Document 1 and continued work on the Issue Sheets. She also mentioned that the National Weather Service has been asked to provide information to the Engineering and Operations Work Group regarding weather forecasting and their coordinated efforts with DWR operations staff. The next meeting of the Engineering and Operations Work Group is June 25, 2001.

Cultural Resources Work Group

Ward Tabor of DWR provided an update on the May 22, 2001 Cultural Resources Work Group meeting; a summary is available on the relicensing web site. Ward reported that the Cultural Resources Work Group agreed to recommend the revised Cultural Resources Issue Statements to the Plenary Group for their approval and inclusion in Scoping Document 1. He added that the Cultural Resources Work Group continues development of Issue Sheets. He mentioned that the Cultural Resources Work Group spent significant time discussing the Area of Potential Effect (APE), and how it might change for specific issues. The Cultural Resources Work Group agreed to establish the APE as the current FERC project boundary for the purposes of developing cultural resource Issue Sheets. However, the Cultural Resources Work Group agreed that the APE required additional discussion and, after reviewing the existing APE (FERC boundary), would provide any recommended changes for discussion at their next Work Group meeting.

The Cultural Resources Work Group recognized there are issues related to the current low water level in Lake Oroville that need immediate attention and agreed to initiate a Task Force to identify studies focused on draw down issues that might be planned and initiated prior to other study plan development.

Ward also reported on a half-day workshop involving local Tribes charged with to identifying local Native American resources that might assist DWR and the consulting team with studies and other activities associated with the relicensing process. Ward added that tribal representatives would be utilized and paid to work on studies involving pre-historic cultural resources.

- ♦ One participant asked if there would be work available to non-native residents as part of the relicensing studies. Ward responded that DWR contracts identify the desire to use Native American assistance and also to utilize local businesses for services to the extent feasible.

The next meeting for the Cultural Resources Work Group is June 26, 2001.

- ♦ The Plenary Group discussed the status of time critical studies being considered by the Work Groups. The Facilitator informed the Plenary Group that each of the Work Groups is considering studies or other actions that required early initiation.
- ♦ Diana Mahmud, representing MWD, reported that she had used the web site to review meeting summaries of the most recent Engineering and Operations and Cultural Resources Work Groups and had found them to be very valuable for keeping current with activities occurring at the Work Group level. She commended DWR for posting summaries on the web site in a timely manner. Lori Brown of DWR reported that the relicensing web site is updated almost daily to provide information as it becomes available.

Scoping Document Update

Steve Nachtman of the consulting team distributed the administrative draft NEPA Scoping Document 1 and CEQA Notice of Preparation (SD1) to the Plenary Group and described its contents. The Facilitator explained that Scoping Document 1 contains the Work Group-recommended Issue Statements, organized by resource area and all associated issues provided as appendices. Scoping Document 1 does not include resource goals, study scopes, existing information or expected information needs, all of which are currently being discussed in the Work Groups.

The Facilitator provided the Plenary Group with a graphic outlining activities related to the development of SD1. The graphic is appended to this summary as Attachment 5. It highlights Plenary Group responsibilities for review and revision of SD1. The Process Protocols outline Plenary Group general responsibilities for review and comment on the document. Plenary Group

participants discussed how they might proceed with review and submittal of SD1 to DWR for finalization and distribution to the public.

Steve Nachtman suggested that the Plenary Group consider how it will proceed with its review of SD1 over the next 60 days with the goal to discuss comments and formulate a process at the July 17, 2001 meeting so the Plenary Group could finalize SD1 for recommendation to DWR by the following (August) meeting. Steve added that all aspects of the draft document were open to comment including questions on nexus to the project, Issue Statement formatting, and the degree to which Issue Statements adequately reflect the intent of the issues that support them. He added one possibility for efficient review would be to develop a Task Force charged with taking Plenary Group comments and revising the document for Plenary Group consideration. Once the Plenary Group has reviewed and recommended SD1 to DWR, DWR will finalize the document and release it to the public for a 30-day formal review and comment period.

- ♦ One participant asked if DWR would revise the document once the Plenary Group has recommended it. DWR responded that they would be providing their comments through the Plenary Group review process and did not expect any changes would be made to SD1 once the Plenary Group had taken action.
- ♦ The Plenary Group discussed their ability to remove, add or alter the Issue Statements in SD1. They agreed that removing or altering statements approved by the Work Groups must be carefully considered. The Plenary Group agreed to review SD1, provide comments to DWR by July 2, 2001 for re-distribution to the entire Plenary Group prior to the July 17th Plenary Group meeting and to discuss the comments and consider possible revisions to SD1 at that July 17, 2001 meeting.

Steve Nachtman presented a detailed schedule describing steps leading to distribution of SD1 to the public for review and comment. The schedule is appended to this summary as Attachment 6.

DPR Responsibilities and Participation in the Relicensing Process

Kate Foley of the Department of Parks and Recreation (DPR) provided the Plenary Group with an overview of DPR responsibilities for Park and Recreation planning at the Oroville Facilities and DPR's resource goals and objectives as a participant in the relicensing process. She described the relationship between DPR and DWR from the statutory perspective and from the practical, daily operations perspective. She outlined how state laws and regulations provide a framework for recreation planning and development activities undertaken by DPR in the project area. She added that the Current General Plan for the Lake Oroville State Recreation Area is 30 years old and needs to be updated. Currently, there is no funding to undertake this update. Kate distributed two handouts: a History of the California State Parks and The Mission and Statutory Requirements of DPR. These handouts are appended to this summary as attachments 7 and 8, respectively.

- ♦ One participant asked for a clear explanation of the functional relationship between DWR and DPR. Several participants were concerned that the lack of a clear set of publicly known operating guidelines between the two agencies impacted the ability of either group to respond efficiently to recreation-based complaints. DPR responded that the agencies work well together when responding to public concerns and complaints. DWR added that the first call from the public should go to DPR and if they don't solve the problem, the next call should be to DWR. The Plenary Group requested that the protocols regarding response to recreation-based public concerns and complaints be clarified for the next Plenary Group meeting.

Other Issues

The Facilitator provided the Work Group with a monthly calendar for their use showing all Plenary and Work Group Meetings scheduled to date through February 2002. The calendar is appended to this summary as Attachment 9.

Next Meeting

The Plenary Group agreed to meet on:

Date: Tuesday, July 17, 2001

Time: 5:00 p.m. to 9:00 p.m.

The facilitator provided the Work Group with a monthly calendar for their use showing all Plenary Group and Work Group meetings scheduled to date through February 2002. The calendar is appended to this summary as Attachment 9.

Next Meeting

The Plenary Group agreed to meet on:

Date: Tuesday, July 17, 2001

Time: 5:00 p.m. to 9:00 p.m.

Location: Oroville Sports Club

Agreements Made

1. The Plenary Group agreed to review SD1 and provide comments to DWR by July 2, 2001.
2. DWR agreed to provide a tour of the Oroville Facilities for interested Plenary Group participants on July 17, 2001 from 10:00 a.m. to 3:00 p.m.
3. The Plenary Group agreed to meet again on July 17, 2001 from 5:00 p.m. to 9:00 p.m. at the Oroville Sports Club.

Action Items from June 11 meeting:

Carry over – Tour of facilities

DWR staff will plan and organize a tour of the Oroville Facilities for interested Plenary Group participants. The tour will be held on Tuesday, July 17, 2001 from 10:00 a.m. to 3:00 p.m. A tour sign-up sheet was provided at the meeting.

Action Item #P43: Provide the Plenary Group with River Bend Park presentation.
Responsible: Recreation & Socioeconomics Work Group: sub -Task Force of Interim Projects Task Force
Due Date: July 17, 2001

Action Item #P44: Provide comments/revisions to SD 1.
Responsible: Plenary Group Participants to DWR; DWR redistributes to Plenary Group
Due Date: July 2, 2001/July 6, 2001

Action Item #P45: Clarify DPR/DWR/FERC protocol for responding to recreation-related complaints.
Responsible: DWR and DPR Staff
Due Date: July 17, 2001

Action Item #P46: Provide Master (raw) Issues List to Plenary Group participants that requested it (Davis, Poppelreiter, Dunkel, Brandt, Hodges, Porgans, Kelly).
Responsible: Facilitator
Due Date: June 18, 2001